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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 05, 2022

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON C. YOUNKER,

Defendant.

NO: 2:14-CR-152-RMP-1

ORDER DENYING DEFENDANT'S
CONSTRUED, POST-REMAND
MOTION FOR COMPASSIONATE
RELEASE UNDER 18 U.S.C. §
3582(c)(1)(A)

BEFORE THE COURT is Defendant Jason Youker's renewed, post-remand *pro se* Motion for Compassionate Release under 18 U.S.C. §3582(c)(1)(A)(i). ECF Nos. 771 (original motion) and 801 (supplemental initial brief on remand). Having reviewed the original Motion, ECF No. 771; Defendant's Supplement, ECF No. 801; the Government's Response, ECF No. 804, and sealed exhibit, ECF No. 808¹; and

¹ This exhibit was sealed to protect Defendant's health records from public disclosure. See ECF No. 807 (text order granting the Government's Motion to Seal upon good cause shown).

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1 Defendant's Reply, ECF No. 813; the remaining record; and the relevant law; the
2 Court is fully informed. After considering the applicable factors provided in 18
3 U.S.C. § 3553(a) and the applicable policy statements issued by the United States
4 Sentencing Commission ("USSC"), the Court finds that compassionate release is not
5 based warranted on Mr. Youker's circumstances.

6 **BACKGROUND**

7 On December 15, 2016, a jury found Mr. Youker guilty of 32 counts relating to
8 the distribution of controlled substances and unlawful possession of firearms and
9 ammunition. ECF No. 501. Mr. Youker's total offense level of 40 and criminal
10 history category of III resulted in an advisory United States Sentencing Guidelines
11 ("USSG") range of 360 months to life. *See* ECF No. 629 at 36–37. On May 24,
12 2016, Mr. Youker received a sentence of: 20 years of incarceration for Counts 1
13 through 9; 10 years for Counts 10 and 11; and 96 months for Counts 14 through 21
14 and 23 through 35; with all sentences running concurrently. ECF No. 583. The
15 sentencing judge determined that a twenty-year mandatory minimum term applied to
16 Counts 1, 8, and 9. *See* 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), 846, and 851.

17 At sentencing, the Government advocated for a sentence within the USSG
18 range, and further argued that, if the Court were inclined to mitigate Mr. Youker's
19 sentence, a sentence of 328 months of incarceration would be appropriate because it
20 would fall in the middle of a downward-adjusted USSG range. ECF No. 629 at 21–
21

1 22. The Court presiding over sentencing² indicated that it had thought “very
2 seriously” about imposing a USSG sentence. *Id.* at 28–29. Ultimately, the Court
3 followed the recommendation of Defendant, through counsel, and imposed the 240-
4 month sentence as a downward variance from the USSG range. *Id.* at 39.

5 Mr. Youker, acting pro se, initially moved for compassionate release on July
6 13, 2020, seeking relief from the threat posed to him by the COVID-19 pandemic
7 while incarcerated. ECF No. 752 at 1. This Court found that Mr. Youker failed to
8 exhaust his administrative remedies and denied his Motion for Compassionate
9 Release without prejudice on September 1, 2020. ECF No. 767.

10 On October 19, 2020, Defendant filed a Motion for Reconsideration, which
11 this Court construed as a Renewed Motion for Compassionate Release pursuant to 18
12 U.S.C. § 3582(c)(1)(A). ECF No. 771. The Court deferred briefing of the Motion to
13 allow Mr. Youker the chance for the Federal Defenders of Eastern Washington to
14 screen his Motion. ECF No. 773. The Federal Defenders office completed its
15 screening and withdrew from further representation. ECF No. 791. With the Court’s
16 permission, Mr. Youker filed a supplemental brief on his own behalf on March 5,
17 2021. ECF Nos. 788 and 790.

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² This case was reassigned to the undersigned in February 2020 after Judge
21 Salvador Mendoza, Jr. entered an Order of Recusal. ECF Nos. 738 and 739.

1 On March 29, 2021, this Court denied Mr. Youker's Renewed Motion for
2 Compassionate Release. ECF No. 791. The Court noted that Mr. Youker has no
3 health condition or personal characteristic, or any combination thereof, that
4 predisposes him to complications from contracting the novel coronavirus, and Mr.
5 Youker already had recovered from the virus in December 2020. *Id.* The Court also
6 rejected that the presence of the COVID-19 in United States Bureau of Prisons
7 facilities is “in and of itself . . . an extraordinary and compelling reason to warrant
8 compassionate release under 18 U.S.C. § 3582(c), because COVID-19 affects
9 nonincarcerated individuals as well as incarcerated ones.” *Id.* at 7. This Court
10 proceeded to assess the sentencing factors under 18 U.S.C. § 3553(a) and found that
11 they further weighed against compassionate release for Mr. Youker. *Id.* at 8–9. In
12 addition, the Court found insufficient support to conclude that Defendant was no
13 longer a danger to the community. *Id.* at 9.

14 In issuing the March 29, 2021 Order, this Court noted that the USSG policy
15 statement applying to compassionate release requests, USSG § 1B1.13, had not “been
16 updated since enactment of the First Step Act,” which allows a federal prisoner to
17 seek a sentence reduction and compassionate release on his own behalf. ECF No.
18 791 at 5. However, the Court also reported in the conclusion of the Order that it had
19 “considered all of the factors required by USSG § 1B1.13, as well as those set forth
20 in 18 U.S.C. § 3553(a) . . .” *Id.* at 9.

1 After the Court issued its March 29, 2021 Order, but before Mr. Youker
2 appealed the Order on April 29, 2021, the United States Court of Appeals for the
3 Ninth Circuit decided *United States v. Aruda*, 993 F.3d 797 (9th Cir. 2021). The
4 Ninth Circuit held that the current version of USSG § 1B1.13 is not binding as
5 applied to compassionate release motions. *Aruda*, 993 F.3d at 802. On motion from
6 the Government, the Ninth Circuit remanded Defendant’s appeal to this Court to
7 consider Defendant’s Motion for Compassionate release in light of *Aruda*. ECF Nos.
8 798 (Slip Opinion) and 800 (Mandate).

9 Defendant is 48 years old and currently is incarcerated at Federal Correctional
10 Institution—Englewood (FCI-Englewood) in Littleton, Colorado. United States
11 Bureau of Prisons (“BOP”) records indicate that Defendant’s anticipated release date
12 is October 3, 2031.

LEGAL STANDARD

14 A court may reduce a term of imprisonment on compassionate release grounds
15 after considering the factors under 18 U.S.C. § 3553(a), to the extent that they are
16 applicable, and upon a finding that “extraordinary and compelling reasons warrant
17 such a reduction.” 18 U.S.C. § 3582(c)(1)(A). The reduction also must be
18 “consistent with applicable policy statements issued by the Sentencing
19 Commission.” *Id.*

20 The U.S. Sentencing Commission has issued a policy statement recognizing
21 certain circumstances as “extraordinary and compelling reasons” for purposes of

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1 compassionate release, so long as “the defendant is not a danger to the safety of any
2 other person or to the community, as provided in 18 U.S.C. § 3142(g)”:

3 (A) Medical Condition of the Defendant.—
4 (i) The Defendant is suffering from a terminal
illness (i.e., a serious physical and advanced
illness with an end of life trajectory)
5 (ii) The defendant is—
6 (I) suffering from a serious physical or
medical condition,
7 (II) suffering from a serious functional or
cognitive impairment, or
8 (III) experiencing deteriorating physical or
mental health because of the aging
process, that ‘substantially diminishes
the ability of the defendant to provide
self-care within the environment of a
correctional facility and from which he
or she is not expected to recover.
9
10 (B) Age of the Defendant.—The defendant (i) is at least
11 65 years old; (ii) is experiencing a serious
12 deterioration in physical or mental health because of
13 the aging process; and (iii) has served at least 10
14 years or 75 percent of his or her term of
imprisonment, whichever is less.
15
16 (C) Family Circumstances—
17 (i) The death or incapacitation of the caregiver
of the defendant’s minor child or minor
children.
18 (ii) The incapacitation of the defendant’s spouse
or registered partner when the defendant
would be the only available caregiver for the
spouse or registered partner.
19
20 (D) Other Reasons—As determined by the Director of
the Bureau of Prisons, there exists in the
defendant’s case an extraordinary and compelling
reason other than, or in combination with, the
reasons described in subdivisions (A) through (C).

21 U.S. Sentencing Guidelines Manual (“USSG”) § 1B1.13 cmt. n.1.

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1 Until December 21, 2018, the Court could reduce a term of imprisonment for
2 extraordinary and compelling reasons only upon motion by the Director of BOP.
3 Following enactment of the First Step Act, a federal prisoner may move on his own
4 behalf for a sentence reduction and compassionate release after exhausting all
5 administrative appeals. 18 U.S.C. § 3582(c)(1)(A). The Court previously found that
6 exhaustion of administrative remedies had been satisfied. ECF No. 791 at 6.

7 Section 1B1.13, USSG, has not been updated since enactment of the First Step
8 Act.³ The policy statements in USSG § 1B1.13 “may inform a district court’s
9 discretion for [considering compassionate release] motions filed by a defendant, but
10 they are not binding.” *United States v. Aruda*, 993 F.3d 797, 802 (9th Cir. 2021).

DISCUSSION

Extraordinary and Compelling Reasons

13 Defendant argued in his original Motion for release due to his inability, as a
14 person incarcerated at FCI-Englewood, to “take precautions recommended by public
15 health officials.” ECF No. 752 at 1. As stated above, the Court did not find
16 extraordinary and compelling reasons in the generalized risk posed by COVID-19,
17 without any personal characteristics or circumstances that placed him at greater risk
18 than other inmates and having already once recovered from a COVID-19 infection.

³ The Court takes judicial notice that as of the date of this Order, there are an insufficient number of confirmed commissioners to comprise a quorum for purposes of amending the USSG.

1 ECF No. 791 at 6–9. Moreover, in the post-remand submissions from the
2 Government, the Court has learned that while Defendant was seeking release based
3 on an argument that FCI-Englewood offered inadequate protection to inmates
4 COVID-19, Defendant also declined to receive a COVID-19 vaccination from BOP.
5 See ECF No. 804 at 9, n. 5. Looking to USSG § 1B1.13 for non-binding guidance,
6 the Court finds no basis to depart from its previous conclusion that Defendant has
7 not shown that he has any health condition(s) or other personal characteristic(s) that
8 amount to an extraordinary and compelling reason for reduction of his sentence due
9 to COVID-19. ECF No. 791 at 7.

10 ***Section 3553(a)***

11 On remand, Defendant argues that the Court should consider that he could or
12 should have received Safety Valve relief and should not have been subject to the
13 twenty-year mandatory minimum for three of his counts of conviction. ECF Nos.
14 801 at 2; 813 at 2–5. First, Defendant argues that “[d]uring sentencing the
15 Defendant was denied the Safety Valve by the Court and attorneys representing due
16 to incorrect qualifying [sic] factors, using only criminal history points to disqualify
17 the defendant.” ECF No. 801 at 2. Defendant also maintains that his prior state
18 offenses would no longer qualify as predicate offenses for purposes of a twenty-year
19 mandatory minimum if he were sentenced after the enactment of the First Step Act
20 because they were not “punishable by at least ten years” as Defendant contends is
21 required by the narrower “serious drug felony” category versus the “felony drug

1 offense” category that was in effect at the time that he was sentenced. ECF No. 813
2 at 3 (citing *United States v. Williams*, No. 20-30201, 2021 U.S. App. LEXIS 21105
3 (9th Cir. July 16, 2021)); *United States v. Valencia-Mendoza*, 912 F.3d 1215 (9th
4 Cir. 2018)). Defendant argues that the mandatory guideline range for his predicate
5 prior “felony drug offense” was only 102 months, less than ten years. *Id.*

6 Defendant also argues that he was “taxed” for exercising his right to proceed
7 to trial after rejected a 15-year term of incarceration plea offer from the Government,
8 and that a sentence reduction is warranted to address a disparity between the
9 sentence that he received and the sentences given to his co-defendants. ECF Nos.
10 801 at 3–4; 813 at 5–7.

11 The Government responds that, “even without regard to Defendant’s criminal
12 history points, Defendant was an organizer/leader under USSG §3B1.1(c), possessed
13 multiple firearms in connection with the offense, and failed to provide the
14 government with any information or evidence about the offense.” ECF No. 804 at 9.
15 The Government argues that these facts disqualified Defendant from Safety Valve
16 relief at sentencing and remain disqualifying after the First Step Act. *Id.* at 9–10.

17 As to the application of a mandatory minimum sentence for Counts 1, 8, and
18 9, based on a prior “felony drug offense,” the Government argues that Defendant
19 would not be entitled to retroactive application of the changes to predicate offenses
20 for the mandatory minimum penalty under 21 U.S.C. § 851, nor does Defendant
21 maintain as much. ECF No. 804 at 11, n. 6 (citing *United States v. Kelley*, 962 F.3d

1 470 (9th Cir. 2020)). The Government further argues that even if the twenty-year
2 mandatory minimum had not been applied at Defendant's sentencing, Defendant's
3 USSG range would have remained 360 months to life, and a twenty-year sentence
4 would still have been ten years (or one-third) below the low end of that range. *Id.* at
5 11–12.

6 With respect to Defendant's allegation of a disparity between his sentence and
7 his co-defendants', the Government argues that his co-defendants received reduced
8 sentences because they had reduced roles in the offense, cooperated with the
9 Government, and testified against Defendant at trial. ECF No. 804 at 10–11. The
10 Government argues that Defendant's sentence achieves the goals of the section
11 3553(a) sentencing factors, which "weigh heavily" against reducing Defendant's
12 sentence. ECF No. 804 at 13–16. The Government cites the Presentence
13 Investigation Report as support for the seriousness of Defendant's offenses,
14 including attempting to "create a police-free compound" for the distribution of
15 controlled substances, complete with a rock barricade and sentry posts, and outfitted
16 with ammunition and firearms, including two that had been stolen. ECF No. 804 at
17 2–3, n. 2. The Government also recites Defendant's history of criminal convictions
18 dating back to age fifteen and including violent offenses such as burglary involving
19 holding the victim at gunpoint and "Delivery of a Controlled Substance or
20 Possession of a Controlled Substance with Intent to Deliver, including one in which
21

1 Defendant was armed with a deadly weapon and was accompanied by his 17-month
2 old son[.]” *Id.* at 15.

3 The Ninth Circuit has noted in the context of a motion for reduction of
4 sentence under section 3582(c)(2) that “[s]ubsequent developments affecting a
5 mandatory minimum are relevant . . . to the ‘nature and circumstances of the
6 offense,’ the ‘seriousness of the offense,’ the needs ‘to provide just punishment for
7 the offense,’ and ‘to afford adequate deterrence to criminal conduct.’” *United States*
8 *v. Lizarraras-Chacon*, No. 20-30001, 2021 U.S. App. LEXIS 28823, at *13 (9th Cir.
9 Sep. 23, 2021) (citing 18 U.S.C. § 3553(a)(1), (2)(A)-(B)). Therefore, consistent
10 with the precedent set by *Lizarraras-Chacon*, it is appropriate to consider
11 subsequent legal developments at the second step of the section 3582(c)(1)(A)(1)
12 analysis, when the Court considers the section 3553(a) sentencing factors. *Accord*
13 *United States v. Roper*, No. CR12-5085 BHS, 2022 U.S. Dist. LEXIS 15273, at *17
14 (W.D. Wash. Jan. 27, 2022). Subsequent legislative and judicial developments are
15 not considered extraordinary and compelling reasons. *See id.*

16 Having found that Defendant has not met his burden of presenting
17 extraordinary and compelling reasons justifying compassionate release under section
18 3582(c)(1)(A)(i), the Court need not consider the section 3553(a) factors. *See* 18
19 U.S.C. § 3582(c)(1)(A). Nevertheless, the Court acknowledges that the parties have
20 discussed the section 3553(a) factors at length in their briefing, and Defendant
21 contends that the intervening legal developments undermine whether he received a

1 just and fair sentence. *See* ECF Nos. 801, 804, and 813. Therefore, the Court
2 examines whether the section 3553(a) factors support Defendant's request for relief,
3 were they to control the outcome of Defendant's Motion for Compassionate Release.

4 Consideration of Legal Developments

5 As discussed in prior orders on this docket, at the time that Defendant was
6 sentenced for the instant offenses, a previous conviction for a "felony drug offense"
7 triggered a mandatory minimum sentence of twenty years. *See* ECF No. 693 at 17
8 (citing 21 U.S.C. §§ 802(17)(c), (44), 851(e), and 841(b)(1)(A)(viii). A "felony
9 drug offense" means an offense that is punishable by imprisonment for more than
10 one year that prohibits or restricts conduct relating to controlled substances. 21
11 U.S.C. § 802(44).

12 However, pursuant to the First Step Act of 2018, a prior offense "triggers a
13 mandatory minimum sentence only if it was for a 'serious drug felony,' as opposed
14 to any 'felony drug offense.'" *United States v. Asuncion*, 974 F.3d 929, 931 (9th
15 Cir. 2020) (citing Pub. L. No. 115-391, § 401(a)(2), amending 21 U.S.C. §
16 841(b)(1)). "The term 'serious drug felony' means an offense described in section
17 924(e)(2) of Title 18 for which—(A) the offender served a term of imprisonment of
18 more than 12 months; and (B) the offender's release from any term of imprisonment
19 was within 15 years of the commencement of the instant offense." 21 U.S.C. §
20 802(57); *see also* 18 U.S.C. § 924(e)(2)(A)(ii) (including offenses under state law
21 involving distributing or possessing with intent to distribute controlled substances).

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1 “In addition, Section 401 of the First Step Act reduces the length of the mandatory
 2 minimum sentences triggered by prior drug offenses. . . . The minimum for
 3 defendants with one prior conviction is now fifteen years rather than 20.” *Asuncion*,
 4 974 F.3d at 931 (citing § 401(a)(2)(A)(i), 132 Stat. at 5220).

5 Defendant was convicted in Washington State in 1998 for possessing a
 6 controlled substance with intent to manufacture or deliver cocaine. ECF No. 693 at
 7 15. The statutory maximum sentence was ten years of incarceration and the standard
 8 sentence range was 77 to 102 months. *Id.* at 15–16. Defendant initially received a
 9 sentence of 77 months, but, in July 2003, a state court entered a *nunc pro tunc* order
 10 amending Defendant’s judgment and sentence to correct his criminal history and
 11 resentence him to 67 months of incarceration. *Id.* Although Defendant’s term of
 12 incarceration was interrupted by Defendant’s escape from custody in May 1999,
 13 Defendant was returned to Washington State custody in September 1999, convicted
 14 of second-degree escape, and did not release from custody for the controlled
 15 substance and the escape offenses until January 5, 2004. *See id.*

16 Washington State revised its sentencing scheme in 2005 as a result of *Blakely*
 17 *v. Washington*⁴ to confine a trial judge’s authority to impose a sentence beyond the
 18 standard range. *See* Laws of 2005, ch. 68, § 1; Revised Code of Washington
 19 (“RCW”) § 9.94A.535. Prior to 2005, the Washington State sentencing scheme gave

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 21 ⁴ 542 U.S. 296 (2004).

1 trial judges more discretion to impose an exceptional sentence. *See State v. Hall,*
2 Nos. 54615-5-I, 54782-8-I), 2005 Wash. App. LEXIS 2117, at *10 (Ct. App. Aug.
3 22, 2005) (recounting that former RCW § 9.94A.535 stated that its list of
4 aggravating circumstances was “illustrative only and . . . not intended to be
5 exclusive reasons for exceptional sentences.”).

6 In *Valencia-Mendoza*, the Ninth Circuit concluded that Valencia-Mendoza’s
7 Washington State conviction was not for a crime punishable by imprisonment by
8 more than one year. 912 F.3d at 1223. The Ninth Circuit reached this conclusion by
9 determining that while the statutory maximum penalty for the state offense exceeded
10 one year, under the sentencing guideline system in place at the time of Valencia-
11 Mendoza’s conviction, the mandatory standard range called for a sentence of six
12 months or less. *Id.* The Ninth Circuit has distinguished *Valencia-Mendoza* when
13 examining whether sentences under Washington’s pre-2005 sentencing scheme,
14 such as Defendant’s 1998 conviction for possession of a controlled substance with
15 intent to manufacture or deliver cocaine, qualify as a predicate offense. *See*
16 *Asuncion*, 974 F.3d at 933–34.

17 As a result of this caselaw, Defendant’s reliance on *Valencia-Mendoza* is
18 confounding to the Court, as the record indicates that Defendant was sentenced to 67
19 months of incarceration for the 1998 offense and, as far as the Court can determine,
20 served more than one year. *See* ECF No. 693 at 15–16. Therefore, that conviction
21 qualifies as a “felony drug offense” and also meets the first prong of the “serious

1 drug felony.” *See* 21 U.S.C. § 802(57)(A). In addition, Defendant’s January 5,
2 2004 release date for his 1998 controlled substances offense falls within fifteen years
3 of Defendant’s commencement of the instant offenses. Therefore, the First Step
4 Act’s amendments do not affect whether Defendant’s 1998 controlled substances
5 conviction would qualify as a predicate offense for a minimum mandatory sentence
6 above ten years. However, Defendant is correct that the enhanced mandatory
7 minimum applicable to him were he to be sentenced today appears to be fifteen,
8 rather than twenty, years. *See* First Step Act of 2018 at § 401(c) (providing that its
9 amendments do not apply to sentences imposed before December 21, 2018).

10 While a five-year difference in the applicable mandatory minimum term is
11 significant, the record does not persuade the Court that a fifteen-year sentence was
12 likely in the absence of the twenty-year mandatory minimum, as the sentencing
13 Court already varied downward by a full ten years from the low end of the USSG
14 range to sentence Defendant to twenty years for Counts 1 through 9. *See* ECF No.
15 583. In addition, the twenty-year mandatory minimum applied to only three of those
16 counts. Therefore, the Court does not find that the amendments enacted by the First
17 Step Act significantly alter the analysis of what sentence is warranted considering
18 the ‘nature and circumstances of the offense,’ the ‘seriousness of the offense,’ [and]
19 the needs ‘to provide just punishment for the offense,’ and ‘to afford adequate
20 deterrence to criminal conduct.’ *See Lizarraras-Chacon*, 14 F.4th at 967.

1 With respect to Defendant's argument that he was erroneously deprived of
2 Safety Valve relief, an argument that Defendant does not repeat in his Reply, the
3 Court sees no support in the record that Defendant met the criteria for Safety Valve,
4 which include a requirement that Defendant did not possess a firearm in connection
5 with the offense, played a minor role in the crime, and participated in a debrief. *See*
6 18 U.S.C. § 3553(f)(1)-(5).

7 Remaining 3553(a) Considerations

8 The Court agrees with the Government that the seriousness of Defendant's
9 conduct and his leadership role in the instant offenses, involving drug distribution
10 and firearms, heavily weigh against shortening Defendant's term of incarceration. In
11 addition, even factoring in credit for time served, Defendant is not due to be released
12 until 2031, and, therefore, has not yet served even a half of his term. Prior terms of
13 incarceration in Defendant's lengthy criminal history did not effectively deter
14 Defendant's criminal conduct, favoring the full term imposed on the instant
15 convictions. *See* 18 U.S.C. § 3553(a)(1) (considering the "history and
16 characteristics of the defendant") and (a)(2)(B) (considering the need "to afford
17 adequate deterrence to criminal conduct").

18 Furthermore, while the Court commends Defendant for acknowledging that
19 his criminal acts have harmed third parties and the community, the Court finds no
20 tangible demonstration in Defendant's submissions that he has rehabilitated himself
21 to the extent that he no longer poses a risk of danger to the public. *See* ECF No. 813

1 at 9–10. Consequently, the Court finds that the sentence imposed is needed “to
2 protect the public from further crimes of the defendant.” 18 U.S.C. § 3553(a)(2)(C).

3 Having considered Defendant’s renewed request for release pursuant to 18
4 U.S.C. § 3582(c)(1)(A), as well as the non-binding factors provided by USSG §
5 1B1.13, the Court finds that Defendant has not demonstrated extraordinary and
6 compelling circumstances to warrant compassionate release. Nor do the factors
7 under 18 U.S.C. §3553(a) support release. Accordingly, **IT IS HEREBY**
8 **ORDERED** that Defendant’s Construed, Post-Remand Motion for Compassionate
9 Release, **ECF No. 771**, is **DENIED**.

10 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order
11 and provide copies to counsel, Mr. Youker at his address at FCI-Englewood, and the
12 U.S. Probation Office.

13 **DATED** May 5, 2022.

14 _____
15 *s/ Rosanna Malouf Peterson*
16 ROSANNA MALOUF PETERSON
17 Senior United States District Judge
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